

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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2005 OCT 11 P 3:50

U.S. DISTRICT COURT
DISTRICT OF MASS.

SARAH HORTON,

Plaintiff,

v.

TSI FENWAY, INC.
d/b/a BOSTON SPORTS CLUBS,

Defendant.

Civil Action No. 04-CV-12359-MEL

JOINT STIPULATION TO WITHDRAW REQUEST FOR
EMOTIONAL DISTRESS DAMAGES

Whereas, on May 18, 2005, Defendant TSI Fenway, Inc. ("TSI Fenway") served Plaintiff Sarah Horton ("Horton") its First Set of Requests for Production seeking, among other things, medical records concerning any alleged emotional distress suffered by Horton; and

Whereas, on July 7, 2005, TSI Fenway served subpoenae duces tecum seeking copies of Horton's medical records to the medical services providers Horton identified as having assisted her with the emotional distress allegedly suffered; and

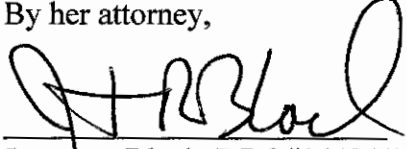
Whereas, on July 20, 2005, Horton indicated that she is not seeking compensation for any emotional distress suffered and does not intend to introduce evidence at trial of any emotional distress suffered, and requested that TSI Fenway withdraw the subpoenae and discontinue pursuit of evidence concerning any alleged emotional distress;

Horton and TSI Fenway hereby stipulate, and respectfully request the Court to order, that Horton is not claiming that she suffered emotional distress as a result of any action by TSI Fenway, is not seeking damages for any alleged emotional distress suffered and does not intend to, and will not, introduce evidence concerning any alleged emotional distress suffered at the trial of this action. TSI Fenway, in reliance on the foregoing, further agrees to withdraw the subpoenae to Horton's medical service providers and to discontinue further efforts to obtain information concerning any emotional distress previously alleged by Horton.

Plaintiff

SARAH HORTON

By her attorney,

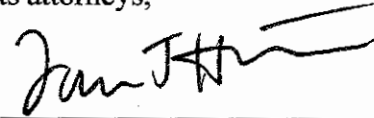

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Respectfully submitted,

Defendant

TSI FENWAY, INC.

By its attorneys,


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So Ordered:

Morris E. Lasker,
Senior Justice of the United States
District Court for the District of
Massachusetts

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